

AMENDED IN SENATE JULY 23, 2009

AMENDED IN SENATE MAY 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 240**

---

**Introduced by Assembly Member Monning**

February 10, 2009

---

An act to amend Sections 2 and 3 of Chapter 188 of the Statutes of 1999, relating to conveyances.

### LEGISLATIVE COUNSEL'S DIGEST

AB 240, as amended, Monning. Conveyances: DeLaveaga Park.

Existing law requires all real property within the DeLaveaga Park Property owned by the state, other than that portion leased to the City of Santa Cruz, to be used for a National Guard camp of instruction and, if that use is determined by the Adjutant General to be no longer necessary for that purpose, requires the Department of General Services to reconvey the real property to the city, to be used in perpetuity for public recreational purposes. The department is also directed to convey to the city its fee interest in that portion of the DeLaveaga Park Property leased to the city to be used as a municipally owned public golf course, if the city simultaneously conveys in fee to the state the portion of the property that is leased to the state.

This bill would describe the portion of real property within the DeLaveaga Park Property ~~leased to the City of Santa Cruz as comprising~~ *owned by the state and comprised of* approximately 40 acres to be referred to as “the armory site,” and make various conforming changes.

The bill would delete the provisions requiring the Department of General Services to reconvey the real property to the city if the Adjutant

General determines the property to be no longer necessary for the purpose of a camp of instruction for the National Guard, and would instead authorize the department, in that instance, to ~~sell, lease, exchange, or otherwise convey the armory site subject to the condition that the property be used in perpetuity for public recreational purposes. It would specify that the City of Santa Cruz would have the first right to acquire in fee or by leasehold all or part of the armory site before the department offers it to a 3rd party for sale, lease, exchange, or other conveyance subject to the condition that the real property be used in perpetuity for public recreational purposes. It would specify that nothing in these provisions would be construed to preclude the continued use of the armory building for the provision of services to homeless persons~~ *dispose of the armory site, subject to specified conditions.*

The bill would also delete the provisions requiring the city to simultaneously convey in fee to the state the portion of the DeLaveaga Park Property that is leased to the state, and instead require the city to simultaneously quitclaim any interest it has in the armory site, subject to ~~mutually agreed upon terms among the Department of General Services, the Military Department, and the city, to include that the portion of the park property leased to the city be used as a municipally owned public recreational area~~ *terms and conditions that the department deems is in the best interest of the state.* ~~It~~ The bill would authorize, rather than direct, the department to convey its fee interest ~~in this regard to the City of Santa Cruz, at no cost except for processing and title fees, but would require consultation with the Adjutant General.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2 of Chapter 188 of the Statutes of 1999  
2 is amended to read:  
3 Sec. 2. (a) All real property within the DeLaveaga Park  
4 Property owned in fee by the State of California, *constituting*  
5 *approximately 122 acres*, other than that portion currently leased  
6 to the City of Santa Cruz, *constituting approximately 83 acres*,  
7 shall be used by the state exclusively for a camp of instruction for  
8 the National Guard. ~~The~~ *This* real property used by the state for a  
9 camp of instruction, comprising approximately 40 acres, shall be  
10 referred to as the armory site for purposes of this section. If,

however, the Adjutant General determines that the armory site, *or portions thereof*, within the foreseeable future, will no longer be necessary for a National Guard camp of instruction and notifies the Department of General Services of that determination, the Department of General Services may sell, lease, exchange, or otherwise convey the armory site, ~~subject to the condition that the real property be used in perpetuity for public recreational purposes.~~

~~(b) (1) Notwithstanding any other provision of law, the City of Santa Cruz shall have the first right to acquire in fee or by leasehold, all or part of the armory site, prior to the Department of General Services selling, leasing, exchanging, or otherwise conveying the armory site to a third party pursuant to subdivision (a): site.~~

*(b) (1) The disposal of the armory site shall be pursuant to Section 11011.1 of the Government Code, except that the City of Santa Cruz shall have the first right to acquire, before other local agencies, in fee or by leasehold, as determined by the Department of General Services, all or part of the armory site.*

(2) Any lease, exchange, or other conveyance of the armory site to the City of Santa Cruz pursuant to this subdivision shall be subject to the condition that the real property be used in perpetuity for public recreational purposes, *affordable housing, or other local governmental uses*. However, nothing in this section shall be construed to preclude the continued use of the armory building for the provision of services, including, but not limited to, shelter services, to homeless persons.

~~(3) If the City of Santa Cruz does not acquire the entire armory site pursuant to this subdivision, the Department of General Services may sell, lease, exchange, or otherwise convey any remaining portion of the armory site pursuant to subdivision (a).~~

(c) Notwithstanding any other provision of law that limits reversionary rights to real property, including, but not necessarily limited to, Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code, title to the armory site described in subdivision (a) shall revert to the possession, control, and ownership of the state if any of the conditions for the use of the armory site are violated. If the armory site is sold, leased, exchanged, or otherwise conveyed, any conditions for the use of the armory site prescribed in subdivision (a) shall be incorporated in the instrument conveying the property.

1 SEC. 2. Section 3 of Chapter 188 of the Statutes of 1999 is  
2 amended to read:

3 ~~Sec. 3. (a) The Department of General Services, with the~~  
4 ~~concurrence of the Adjutant General, may convey to the City of~~  
5 ~~Santa Cruz its fee interest in that portion of the DeLaveaga Park~~

6 *SEC. 3. (a) The Department of General Services, in*  
7 *consultation with the Adjutant General, may, at no cost to the City*  
8 *of Santa Cruz, except for processing and title fees, convey to the*  
9 *City of Santa Cruz, subject to mutually agreed upon terms, its fee*  
10 *interest in that portion of the DeLaveaga Park Property that the*  
11 *state is currently leasing to the city, comprising approximately 83*  
12 *acres, and that the city is currently using as part of the DeLaveaga*  
13 *Golf Course, if the city simultaneously quitclaims any interest it*  
14 *has in the armory site described in subdivision (a) of Section 2 of*  
15 *this act. The state's conveyance to the city shall be subject to*  
16 *mutually agreed upon terms among the Department of General*  
17 *Services, the Military Department, and the city, to include that the*  
18 *real property the city shall be subject to terms and conditions that*  
19 *the director of the Department of General Services deems is in the*  
20 *best interests of the state and shall include the requirement that*  
21 *the real property shall be used as a municipally owned public golf*  
22 *course for as long as the city determines and thereafter used, in*  
23 *perpetuity, as a municipally owned public recreational area.*

24 (b) Notwithstanding any other provision of law that limits  
25 reversionary rights to real property, including, but not necessarily  
26 limited to, Chapter 5 (commencing with Section 885.010) of Title  
27 5 of Part 2 of Division 2 of the Civil Code, title to the property  
28 described in subdivision (a) shall revert to the possession, control,  
29 and ownership of the state if any of the conditions for the use of  
30 that real property are violated. If the property is conveyed to the  
31 City of Santa Cruz, any conditions for the use of that property  
32 prescribed in subdivision (a) shall be incorporated in the instrument  
33 conveying the property to the City of Santa Cruz.

O